

Mitigating Circumstances Procedure

Version Control History

Version Number	Date of Change	Summary of Revisions Made
1.0	August 2016	First version of the UHI procedure for HN provision, contextualised for Perth College to cover HN and FE.
1.1	December 2018	Role change to Quality Manager. Footer updated.
1.2	April 2020	Codicil to full procedure added to support students during COVID19 situation.
1.3	March 2023	Rebranded

Mitigating Circumstances Procedure

1 Purpose

It is recognised that there may be times when a student's circumstances are such that they cannot complete assessments to the best of their ability, or are unable to attend an examination, or are unable to meet an assessment deadline due to adverse circumstances beyond their control. As a result, students can request that these circumstances are taken into consideration by the College.

The claim and supporting evidence will be treated confidentially. If it is necessary to disclose any information to another party, other than those mentioned in the principles below, this will be done with the student's permission.

The College has a duty to all students to ensure that assessments are conducted fairly, and that students have the opportunity to demonstrate their true level of academic performance. The purpose of this procedure is to ensure the equitable treatment of all students with respect to their ability to undertake assessment, and by the due deadline.

2 Scope

- 2.1 The procedure is relevant to all awards delivered by Perth College UHI, regardless of the awarding body, with the exception of Degree Awards and other associated awards which are governed by the University Academic Standards and Quality Regulations. This does not cover awards delivered by Aircraft Services Training (AST).
- 2.2 With reference to Higher National Awards, this procedure should be read in conjunction with the current University guidance on mitigating circumstances, which can be found as an appendix to the Academic Standards and Quality Regulations.
- 2.3 Students may apply for mitigation for all forms of summative assessment, whenever they occur.
- 2.4 Students with an underlying disability or chronic illness should normally have agreed a formal Personal Learning Support Plan/Needs Assessment with the Student Services Department to provide additional support for learning and assessment, as required. However, where such an underlying disability or chronic illness suddenly flares up, or is exacerbated, this would fall within the definition of mitigating circumstances.
- 2.5 The terms of this procedure would apply to students studying work based SVQ awards where they have a determined assessment deadline.
- 2.6 The terms of this award to not apply to externally assessed coursework or examinations. In such cases, the regulations and processes of the relevant awarding body should be followed.

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2.7 A codicil to sections 3.3.1, 3.8, 4.6, 4.7, 4.9, 4.11, 4.16, 6.16, 7.1, 7.4., 7.5, 7.6 is added specifically to cover the COVID19 situation.

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3 Definitions

- 3.1 **Summative Assessment.** This is an assessment that is used to determine whether or not a student has achieved the learning outcomes and therefore passed or failed the assessment. Summative assessments must be passed in order to achieve a unit/module.
- 3.2 **Difficulties.** Students are encouraged to inform their tutor whenever they are experiencing difficulties in meeting an assessment deadline, for whatever reason. There are a number of remedies that can be offered, depending on how severe the problem is. In many cases the student's problem can be resolved by extending the assessment deadline to a later date. All such extensions requested by a student for internal assessment submission deadlines, including examinations, should be processed through the mitigating circumstances procedure.
- 3.3 **Mitigating Circumstances** are defined as unforeseen and unpreventable circumstances outside the control of the student, which have significantly affected performance and/or attendance in a summative assessment and could not have been remedied in the time available. These are normally circumstances relating to the health and/or personal life of a student which are sufficiently serious and significant in nature to result in them being unable to attend, complete or submit an assessment on time, or attend an examination. Examples of categories mitigation circumstances will normally fall within are shown below:

3.3.1 Mitigating circumstances will normally fall into the categories listed below:

- a Illness or serious accident at the time of an assessment or in the period leading up to summative assessment.
- b Serious illness or death of a family member.
- c Severe unforeseen personal or psychological problems.
- d Unanticipated difficulties in child or adult care arrangements during a semester (where the student is the named carer for an adult).
- e Personal circumstances affected by COVID19 but which do not fall within the above categories.

In addition, for part-time students:

- f Unforeseen and essential work commitments.

3.3.2 The following examples should not be considered valid:

- Any ongoing situation known to the student.
- Underlying disability or chronic illness which is supported as a normal part of a personal learning support plan (PLSP) or other support.
- Inadequate time management.
- Moving house or holidays.
- Misreading the assessment or exam timetable.

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- Computer/IT problems of the student's own equipment.
 - Normal/usual work commitments on behalf of an employer.
- 3.4 Mitigating circumstances are also referred to as **exceptional circumstances** by some awarding bodies.
- 3.5 **Determinations** are the outcome decisions made against an application for mitigating circumstances.
- 3.6 **Remediation.** The process of providing candidates with additional learning/teaching support before allowing them to be re-assessed.
- 3.7 **Reassessment or Resit** is when a student is given a second attempt at a summative assessment. Awarding bodies may stipulate the conditions in which re-assessment can be carried out, and guidance should be followed where it is available (usually within the unit/module documentation). If there are no such requirements stipulated then there would normally be one reassessment or two in exceptional circumstances. What constitutes exceptional circumstances is a matter of professional academic judgement.
- 3.8 **Application Deadline for Mitigation.** Normally, applications for mitigating circumstances should be submitted a minimum of 3 working days prior to the assessment due date. Where this is not possible, the application must be made within two weeks of the assessment due date. In such cases, these will be deemed as **Late Applications**. Applications made after two weeks of the assessment due date will not normally be considered.

Codicil to 3.8: With respect to applications relevant to COVID19 applications received after the normal timeframe outlined in 3.8 above will be considered by the PAT.

4 Principles

- 4.1 A student will normally be expected to submit an application for mitigation circumstances **prior** to an assessment deadline. However, where a student has completed an assessment and believes their academic performance was affected by circumstances outside of their control they may apply for mitigating circumstances to be considered after the deadline.
- 4.2 Mitigating Circumstances is deemed a supportive service for students. Where mitigation has been granted for an earlier assessment this should be brought to the attention of the Sector Manager when a further application is received to ensure that a student is not abusing the procedure but only applying for relevant situations.
- 4.3 A student who does not attend an examination or does not meet an assessment submission deadline will be deemed to have not attempted the assessment unless mitigating circumstances has been submitted in advance of the assessment. They should be recorded as a fail for that attempt at the progression board. Any mitigation submitted post an exam or assessment

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should be done so through the Academic Appeal process and will be considered by the Chair of the Progression Board.

- 4.4 In some cases where a student has mitigating circumstances the student and/or the College may decide that it is appropriate for the student to interrupt their studies for an agreed period of time. Any decision to suspend studies must be done in accordance with the current College or University policy and procedures relating to suspension of study.
- 4.5 International students (tier 4) must be treated in accordance with the UKVI visa rules and sponsor guidance. As such, the College may be unable to grant deferral or suspension of study to international students.
- 4.6 An application should only be considered when accompanied by full supporting evidence. Where an application has been received without supporting evidence the student must state on the application when the evidence will be available. It is only once evidence is received that a determination should be made.

Codicil to 4.6: With respect to COVID19 affecting a student's ability to submit assessment on time or at all no evidence will be required to be submitted.

- 4.7 A determination should be made by the Sector Manager as to whether a student will be given a new submission deadline for their assessment, or not. In exceptional circumstances this determination may be made by the Chair of Progression Board. The relevant Sector Manager should be informed of this decision thereafter.

Codicil to 4.7: for submissions during the COVID19 lockdown period all applications will be considered by the Personal Academic Tutor only.

- 4.8 Mitigating Circumstances determinations will automatically be considered for first attempt summative assessments but should only be considered in exceptional circumstances for a second attempt assessment (also referred to as 'reassessment' or 'resit') or with respect to SQA awards an exceptional third attempt assessment. Determination will NOT be considered with respect to remediation work or where a draft of assessed work has been submitted for informal comment.
- 4.9 Students must normally provide independent third party documentary evidence to support their application (for example, from a medical practitioner, external counsellor or named Student Services staff member providing counselling, hospital, specialist advisor, the police, or a solicitor) which has dates that cover the period of mitigation being applied for. Evidence from family members or fellow students would not normally be accepted.

Codicil: only evidence for non COVID19 related applications will be required to be submitted.

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- 4.10 Evidence for mitigation claims must be current and can be used where circumstances have affected more than one assessment/unit. However, if a future claim (at a different time-period) is for the same or similar circumstance then new evidence must be supplied ie a current medical note, supporting letter etc that covers the relevant time period of mitigation.
- 4.11 Where a student has self-certified their mitigation claim they should submit the work they have done to date. The Sector Manager may determine whether it is possible to mark this work taking into consideration their circumstances.
- Codicil: this will be determined by the PAT as to whether it is necessary to submit work to date in order to support evidence towards a course judgement.**
- 4.12 Where mitigating circumstances is accepted and affects more than one assessment and more than one unit then the Personal Academic Tutor (PAT), in liaison with the relevant assessor(s), may determine a phased submission schedule.
- 4.13 All mitigation applications must be processed prior to the relevant progression board. A report on mitigating circumstances applications (IV10) must be kept by the PAT and submitted to the progression board for each award. (Where provision is an HN networked award then an individual report for each academic partner for that course should be submitted to the Programme Leader who will present it to the progression board).
- 4.14 Late mitigation applications will only be accepted and a retrospective determination given in exceptional circumstances and where evidence supports a student's incapacity to submit it prior to assessment deadline. Mitigating circumstances claims in all instances must be submitted within two weeks of the assessment deadline.
- 4.15 All late mitigation applications received after a progression board must be submitted through the Academic Appeals Procedure and the outcome reported to the Chair of the Progression Board, where they have not been the person to review the application, to enable a result to be ratified by Chairs Action. The details should be raised as a matters arising at the next progression board.
- 4.16 It is noted that in exceptional circumstances there may be cases where a student is unable to submit a request for an extension on a completed application form. In these circumstances the PAT should contact the student and populate a form with the relevant details prior to processing. Appropriate evidence must still be received for approval to be considered by the Sector Manager and recorded.

Codicil: all exceptional circumstances relevant to COVID19 will be considered by the PAT only.

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- 4.17 An application for mitigating circumstances should normally be submitted at least 3 working days prior to an assessment deadline. If it cannot be submitted in advance it should be submitted as soon as possible and include reasons for the delay. Mitigating circumstances claims in all instances must be submitted within two weeks of the end of the module/unit delivery.

5 Confidentiality

- 5.1 All mitigation applications are to be treated with confidentiality. Information provided should only be discussed between the relevant parties involved in the initial determination. If it is necessary to disclose any information to another party, other than those mentioned in the principles above, this must be done with the student's permission. An email or text will be sufficient to document this permission being granted.
- 5.2 Only details of the determination, and subsequent changes to assessment deadline dates, are to be discussed at Progression Boards.
- 5.3 It is in exceptional cases that a Chair of Progression Board may be required to be informed of the information pertinent to the case to determine ratification of an assessment result.

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6 Responsibilities

6.1 Staff Responsibilities

- 6.1.1 Staff have a responsibility to advise students of the submission/examination dates for summative assessments at the beginning of their course/unit.
- 6.1.2 Staff have a responsibility to clearly inform students at the beginning of their course of the mitigating circumstances procedure and signpost to it on their assessment schedules/briefs.
- 6.1.3 The assessing tutor, Personal Academic Tutor, and Sector Manager have a responsibility to ensure that all students are treated equitably and with fairness and that their decision making is consistent. The PAT statement regarding whether they support the application or not must be an objective view and must not be a subjective opinion.
- 6.1.4 Staff must declare any personal conflicts of interest when receiving mitigation claims.
- 6.1.5 A student's PAT is responsible for processing all applications for mitigation for their course/cohort of students, ensuring that the application meets the criteria for mitigation and all relevant supporting evidence is received. Where a tutor has received an application (or request) they should forward it to the student's PAT for processing.
- 6.1.6 The Sector Manager is responsible for making the determination on whether a new assessment deadline is given or not.

Codicil: this determination will be made by the PAT, in liaison with the assessor and/or course team, as relevant

- 6.1.7 The PAT is responsible for determining, with the tutor, the new date of submission. (see 4.12 above)
- 6.1.8 The PAT is responsible for informing the student of the determination and, where applicable, new dates and arrangements for submission of coursework or attendance at an examination. The PAT must inform the Exams Office (or equivalent Exams Officer) of any new exam dates.

Note: where a new assessment deadline falls after a progression board, then the dates of assessment should be clearly recorded at the Board and the subsequent outcome followed up by the tutor and agreed as Chair's Action.

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6.2 Student Responsibilities

- 6.2.1 All students have a responsibility to manage their learning during their registration on an award. This requires students to balance their workloads, to ensure that they attend examinations and to submit work for assessment by the set date of the assessment. This is so that students do not miss deadlines or struggle to meet them.
- 6.2.2 Students should ensure they meet all required deadlines for assessment submission and submit assessments according to the guidance provided.
- 6.2.3 Students are expected to ensure that they have taken reasonable steps to prevent the circumstances that lead to an application for mitigating circumstances, wherever possible. Section 2.2 above provides indicative categories which mitigating circumstances fall within, and clearly shows categories which will not be considered.
- 6.2.4 It is a student's responsibility to inform a member of academic staff of any circumstances which may affect their ability to meet their programme commitment.
- 6.2.5 A student should normally submit an application for mitigating circumstances at least 3 working days prior to an assessment deadline.
- 6.2.6 Any student found to have submitted a false claim for mitigation will be referred to the Student Disciplinary Procedure (Academic Misconduct – cheating).

7 Procedure

- 7.1 A student submits an application for mitigation with appropriate supporting evidence to their Personal Academic Tutor (PAT). The form given in appendix 1 will be available as an electronic form for PATs, and for students via the Student Intranet portal.

Codicil: the form in Appendix 1 has been adapted for COVID19

- 7.2 The PAT confirms the application is complete, including that the evidence submitted is appropriate. If an application is either incomplete or inappropriate then the PAT should inform the student of the information that is required to complete the application.
- 7.3 The PAT informs the relevant tutor of the receipt of a mitigation application.
- 7.4 The PAT should annotate the application to show whether they are in support or not of the application and provide a detailed written reason for their

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decision, and then submit the application and supporting evidence to the relevant Sector Manager for consideration.

Codicil: the PAT makes the final determination on any COVID19 related applications

- 7.5 The Sector Manager makes a determination based on the evidence supplied ie approves or rejects the application and informs the PAT of their decision.

Codicil: the Sector Manager oversees the decisions made by the PAT in respect to course judgements as Chair of the Progression Board.

- 7.6 Where relevant, the PAT discusses with the tutor a new deadline date for sitting an examination or submission of the assessment and the details for that submission eg new piece of work, etc. Where an application has been rejected then the tutor is to result the student work as a fail for the progression board. Where a new date has been set for an Examination then the PAT should inform the Exams Officer, the Exam Centre (where relevant), and where relevant the International Centre.

Codicil: the new deadline will only be relevant where insufficient evidence is available to make a judgement on the student achieving the course aims.

- 7.7 The PAT informs the student of the outcome of determination and any details relevant to a further sitting of an exam or submission of assessment.
- 7.8 A record of all mitigation claims, per course, should be recorded on the 'Report on Mitigating Circumstances (Appendix 2, IV10)' and presented to the relevant Progression Board.
Note: Where there is more than 1 PAT per course, the same report form must be used for recording. Where a course is networked, each academic partner should complete a form per course and forward it to the Programme Leader (or equivalent) prior to the Board.
- 7.9 Records documenting individual students' submission of assessed work and handling of reports of mitigating circumstances should be retained as per the awarding body guidelines on retention of student assessment records, or College Retention Policy, whichever is the greater.

8 Linked Policies/Related Documents

- 8.1 University Academic Standards and Quality Regulations
- 8.2 Student Disciplinary Procedure
- 8.3 Assessment Policy
- 8.4 Extended Learning Support Policy

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8.5 Extended Learning Support Procedure

9 **Quality Monitoring**

9.1 Quality approval check of the procedure is the responsibility of the Quality Manager who will arrange for it to be posted on the web.

9.2 Occurrences of Mitigating Circumstances will be reported annually to the Quality Enhancement Committee.

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Appendix 1

Mitigating Circumstances (Extension) Request Form

Please complete this form and submit it to your Personal Academic Tutor. A request for mitigating circumstances should be submitted a minimum of 3 working days prior to the assessment due date. If it cannot be submitted in advance it should be submitted as soon as possible and include reasons for the delay. Mitigating circumstances claims in all instances must be submitted within two weeks of the end of the relevant semester. Include any supporting documentary evidence appropriate to the request.

Please Note: the claim and supporting evidence will be treated confidentially and will only be seen by members of staff authorised to deal with mitigation claims (ie PAT, Sector Manager, and Chair of Progression Board). If however it is necessary to disclose any information to another party, this will not be done without your permission.

Student Contact Details (This form should be completed electronically, where possible)			
Name:		Student Number:	
Course:		Group (if applicable)	
Email Address:	Please Note: normally, your UHI (College) e-mail address will be used to correspond with you during this process		
Contact Telephone Number:			
PATs Name:			

Module/Unit Information (add rows where applicable)		
Module/Unit Title and Code	Form of Assessment	Assessment Deadline

I wish to request mitigating circumstances for late submission/deferment of the above assessment(s) for the following reason.

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Indicate what documentary evidence you are providing to support your application. This should be submitted with your application, either in hard copy or electronic (scanned) version. Please note that a determination can only be made once supporting evidence is received.

If you have not been able to supply evidence with your application please provide a statement as to why it is not yet available and a date when you will have this evidence available.

Reason:

Date when evidence will be available:

Date Request Submitted to PAT

The following points will help you when submitting an application:

Do:

- Review the grounds for applying for mitigating circumstances (see Section 2 of the Mitigating Circumstances Procedure).
- Seek guidance from your module or personal academic tutor if you are experiencing difficulties in completing your work on time.
- Meet with your tutor prior to the submission/examination date.
- Discuss with a tutor whether an extension would be appropriate.
- Request an extension where you are unable to meet the deadline.
- Submit an application that covers all module assessments you are taking during the period of difficulty.
- Submit the application prior to the submission/examination date, or if incapacitated within 14 days from the submission/examination date.
- Complete all sections of the application form.
- Include evidence to support your case with your application form.

Don't:

- Use evidence that is undated or solely from family members supporting your application – you have to provide independent evidence.

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Checklist to be completed by the Personal Academic Tutor (PAT)			
Application fully completed?	Yes/No	If no, date returned to student for completion:	Date application re-submitted:
Supporting evidence received?	Yes/No	PLSP in place?	Yes/No
Do you support the application	Yes/No	Please provide an objective statement giving the reason to support your decision:	
Date Student informed of determination outcome			

Determination to be completed by the Sector Manager			
Sector Manager: (Name)		Date:	
Is mitigation request approved?	Yes/No If yes – complete deadline date/assessment brief below.		
	If no, provide a reason:		
Module(s)/Unit(s)	New Deadline date*	Is a new assessment brief to be issued? Yes/No	
Date Returned to PAT:			

*The Exams office should be informed of any new exam dates.

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Appendix 2

 University of the Highlands and Islands Oilthigh na Gàidhealtachd agus nan Eilean		FORM IV10 Report on Mitigating Circumstance Requests (to be presented at Progression Board)				 University of the Highlands and Islands Perth College		
Partner College:								
Course Title:		Course Code:			Academic Year:			
Sector Manager:		Personal Academic Tutor(s):						
Student Number	Student Name	Unit Code	Unit Name	Assessment (LO#)	Reason for Mitigation (use code)	Approved/Rejected	If approved, new date of submission	

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